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SPECIALIZING IN
INTELLECTUAL PROPERTY LAW:
PATENT, TRADEMARK, COPYRIGHT,
AND TECHNOLOGY RELATED CAUSES

FACSIMILE COVER SHEET

To: Mail Stop Missing Parts

FAX #: 703-872-9306

From: Kurt L. VanVoorhies

Date: 26 July 2004

Total number of pages (including cover sheet) : 11

Message:

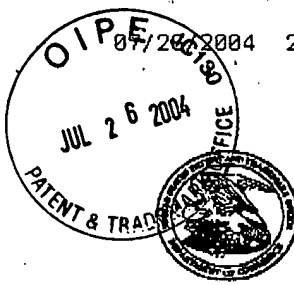
Application No. : 10/708,897
Applicant : Bruce W. TRYON
Filed : 30 March 2004
TC/A.U. : 3661
Examiner : (OIPE)
Title : HYBRID ELECTRIC VEHICLE ENERGY MANAGEMENT SYSTEM
Docket No. : 5704-00209
Confirmation No. : 2896
Customer No. : 26659

Facsimile Contents:

- | | |
|---|---------|
| 1. Transmittal | 1 page |
| 2. Credit Card Payment Form for \$130 | 1 page |
| 3. Copy of Notice to File Missing Parts | 2 pages |
| 4. Response to Notice to File Missing Parts | 2 pages |
| 5. Substitute Declaration and Power of Attorney | 3 pages |
| 6. Marked-up copy of Official Filing Receipt | 1 page |
| 7. Certificate of Mailing (on items 1 and 4) | |

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/708,897	03/30/2004	Bruce W. Tryon	5704-00209

26659
DINNIN & DUNN, P.C.
2701 CAMBRIDGE COURT, STE. 500
AUBURN HILLS, MI 48326

CONFIRMATION NO. 2896

FORMALITIES LETTER

OC000000012776428

07/29/2004 SSESHE1 00000075 10708897

01 FC:1051 130.00 OP

Date Mailed: 05/26/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

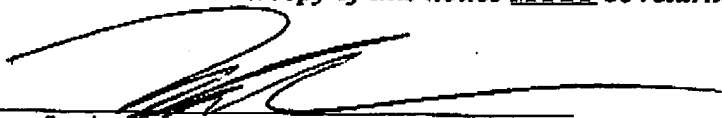
Total additional fee(s) required for this application is \$216 for a Large Entity

- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$86
 - \$86 for 4 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

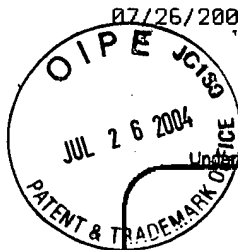
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (08-03)
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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/708,897	RECEIVED CENTRAL FAX CENTER JUL 26 2004
Filing Date	30 March 2004	
First Named Inventor	Bruce W. TRYON	
Art Unit	3861	
Examiner Name	(OIFE)	
Attorney Docket Number	5704-00209	

Total Number of Pages in This Submission 10

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration Marked-up Filing Receipt
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kurt L. VanVoorhies, Dinnin & Dunn, P.C.		
Signature	<i>Kurt L. VanVoorhies</i>		
Date	26 July 2004		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Kurt L. VanVoorhies		
Signature	<i>Kurt L. VanVoorhies</i>	Date	26 July 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No. 10/708,897
Response Dated 26 July 2004 to
Notice to File Missing Parts Dated 26 May 2004

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CENTRAL FAX CENTER Attorney Docket No. 5704-00209

JUL 26 2004

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/708,897
Applicant : Bruce W. TRYON
Filed : 30 March 2004
TC/A.U. : 3661
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OFFICIAL

RESPONSE TO
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

26 July 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated 26 May 2004, Applicant respectfully requests that the attached Declaration submitted herewith be substituted for the unsigned Declaration that was inadvertently filed with the above-identified application. The signed Declaration provided herewith was signed prior to the filing of the above-identified application and after a review thereof by the inventor, and was available at the time of filing. The filing of the unsigned Declaration instead was an inadvertent error.

Enclosed herewith is a credit card payment form in the amount of **\$130** in payment of the fee under 37 CFR 1.136(e).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))


I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 26 July 2004**FACSIMILE**

☒ transmitted by facsimile to the Patent and Trademark Office, Fax No. (703) 872-9306.



Signature

Kurt L. VanVoorhies

(type or print name of person certifying)

Application No. 10/708,897
Response Dated 26 July 2004 to
Notice to File Missing Parts Dated 26 May 2004

Attorney Docket No. 5704-00209

The Notice to File Missing Parts indicated that an additional fee of \$86 was required for 4 independent claims over 3. Applicant respectfully requests reconsideration of this determination. The above-identified application was filed with a total of 6 independent claims as follows: claims 1, 7, 12, 24, 35 and 47, which is a total of 3 independent claims over 3, not 4. As indicated on the attached fee transmittal -- reprinted from the electronic file -- upon filing, the fees were paid for 3 independent claims over 3. It would appear from the electronic file that the dependency of claim 29 is missing from the claim -- which dependency should be claim 28, -- although the claim is otherwise written in dependent form. Claim 29 will be amended to explicitly insert 28 as the claim upon which claim 29 is dependent. Accordingly, Applicant respectfully submits claim 29 is a dependent claim, and accordingly that there are only 6 independent claims, so that no additional excess claims fees are due.

Applicant also respectfully requests that a replacement Official Filing Receipt be issued showing the total number of independent claims to be 6 instead of 7, as indicated on the attached marked-up copy thereof.

Dinnin & Dunn, P.C.
2701 Cambridge Court, Suite 500
Auburn Hills, MI 48326
5704-00203
26 July 2004

Respectfully Submitted,



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Phone: 248-364-2100
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